

## **CHAPTER 10.B. ORDINANCE PROHIBITING FIREWORKS**

The Town Board of the Town of Wilson, at a duly-noticed public meeting with quorum present and voting, hereby ordains the following:

### **Section 1: Definition.**

In this section, “fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding thirty-six inches (36”) in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (k) A fuse-less device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- (l) A device that is designed primarily to burn pyrotechnic smoke-produce mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- (m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (n) A cone fountain that is classified by the federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

### **Section 2: Sale Prohibition.**

No person may sell or possess with intent to sell fireworks in the Town.

### **Section 3: Use Prohibition.**

No person may possess or use fireworks in the Town of Wilson, except that a person may possess fireworks in the Town of Wilson while transporting the fireworks to a city, town, village or county where the possession of fireworks is authorized by permit or ordinance.

### **Section 4: Parental Liability.**

A parent, foster parent, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages and forfeitures arising out of the minor's use of fireworks.

**Section 5: Enforcement.**

- (a) The Town may petition the Circuit Court for an order enjoining violations of sections 2 or 3.
- (b) Fireworks stored, handled, sold, possessed or used by a person who violates this ordinance or a court order under paragraph (a) may be seized and held as evidence of the violation. Except as provided in Wis. Stats. § 968.20(4), the fireworks that are the subject of a violation of this ordinance or a court order under paragraph (a) may be destroyed after conviction for a violation. Except as provided in Wis. Stats. § 968.20(4), fireworks that are seized as evidence of a violation for which no conviction results shall be returned to the owner in the same condition as they were when seized to the extent practicable.

**Section 6: Penalties.**

- (a) A person who violates a court order shall be fined not more than \$10,000.00, together with costs, and in default of payment thereof, be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed sixty (60) days.
- (b) The forfeiture for all other violations of this ordinance shall be \$250.00 for the first offense, \$500 for a second offense, and \$1,000.00 for a third offense and thereafter, in each case together with costs of prosecution, including reasonable attorneys' fees.

**Section 7: Effective Date.**

This ordinance shall be effective upon enactment and publication as required by law.

**Section 8: Directive to Town Clerk and Town Attorney.**

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to implement the terms of this ordinance.

Dated this 2nd day of July 2019.

**Effective Date.** This ordinance shall be in effect on the day after posting or publication as required by law.

Enacted this 2nd day of July 2019

Town of Wilson by John Ehmann, Chairman

Julie Wicker, Clerk